

ASSEMBLY BILL

No. 1944

Introduced by Assembly Member Garcia

February 19, 2014

An act to amend Section 8263.4 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1944, as introduced, Garcia. Child care: administration: preferred placement of children of 11 or 12 years of age.

Existing law requires children who are 11 or 12 years of age, who are receiving subsidized child care services, and for whom a before or after school program is not available, to continue to receive subsidized child care services. Existing law establishes when a before or after school program shall be considered “not available” as when the parent certifies in writing, on a form provided by the State Department of Education, the reasons why the program would not meet the child care needs of the family.

This bill would delete the provision relating to the certification by a parent of an unavailable before or after school program.

Existing law requires specified savings to be annually reported to the department by a contractor providing child care services and requires the department to annually report the amount of statewide savings to the Legislature.

This bill would delete this reporting provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 8263.4 of the Education Code is amended to read:

8263.4. (a) The preferred placement for children who are 11 or 12 years of age and who are otherwise eligible for subsidized child care and development services shall be in a before or after school program.

(b) Children who are 11 or 12 years of age shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before or after school program provided pursuant to Article 22.5 (commencing with Section 8482) or Article 22.6 (commencing with Section 8484.7). Contractors shall provide each family of an eligible 11 or 12 year old with the option of combining care provided in a before or after school program with subsidized child care in another setting, for those hours within a day when the before or after school program does not operate, in order to meet the child care needs of the family.

(c) Children who are 11 or 12 years of age, who are eligible for and who are receiving subsidized child care services, and for whom a before or after school program is not available, shall continue to receive subsidized child care services.

~~(d) A before or after school program shall be considered not available when a parent certifies in writing, on a form provided by the department that is translated into the parent's primary language pursuant to Sections 7295.4 and 7296.2 of the Government Code, the reason or reasons why the program would not meet the child care needs of the family. The reasons why a before or after school program shall be considered not available shall include, but not be limited to, any of the following:~~

~~(1) The program does not provide services when needed during the year, such as during the summer, school breaks, or intersession.~~

~~(2) The program does not provide services when needed during the day, such as in the early morning, evening, or weekend hours.~~

~~(3) The program is too geographically distant from the child's school of attendance.~~

~~(4) The program is too geographically distant from the parents' residence.~~

~~(5) Use of the program would create substantial transportation obstacles for the family.~~

1 ~~(6) Any other reason that makes the use of before or after school~~
2 ~~care inappropriate for the child or burdensome on the family.~~

3 ~~(e)~~

4 ~~(d)~~ If an 11 or 12 year old child who is enrolled in a subsidized
5 child development program becomes ineligible for subsidized child
6 care under subdivision (b) and is disenrolled from the before or
7 after school program, or if the before or after school program no
8 longer meets the child care needs of the family, the child shall be
9 given priority to return to the subsidized child care services upon
10 the parent's notification of the contractor of the need for child care.

11 ~~(f)~~

12 ~~(e)~~ This section does not apply to an 11 or 12 year old child
13 with a disability, including a child with exceptional needs who has
14 an individualized education program as required by the federal
15 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
16 et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29
17 U.S.C. Sec. 794), or Part 30 (commencing with Section 56000) of
18 Division 4 of Title 2.

19 ~~(g)~~

20 ~~(f)~~ The savings generated each contract year by the
21 implementation of the changes made to this section by the act
22 amending this section during the 2005–06 Regular Session shall
23 remain with each alternative payment program, child development
24 center, or other contractor for the provision of child care services,
25 except for care provided by programs pursuant to Article 15.5
26 (commencing with Section 8350). ~~Each contractor shall report~~
27 ~~annually to the department the amount of savings resulting from~~
28 ~~this implementation, and the department shall report annually to~~
29 ~~the Legislature the amount of savings statewide resulting from that~~
30 ~~implementation.~~